

# HOUSE BILL No. 1033

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 3-7-45-4; IC 5-1-11-2; IC 5-1.5-4-6; IC 5-3-1; IC 6-8.1-8-8; IC 8-15.7-4-2; IC 9-22-1-23; IC 14-25-2-2.5; IC 14-28-1-28; IC 16-18-2-301; IC 20-48-4-2; IC 23-14; IC 27-1-29-17; IC 35-44.1-2-7; IC 36-7-23-52; IC 36-12-5.

**Synopsis:** Publication of notice. Allows publication of notice in a qualified publication as an alternative to publication of notice in a newspaper for purposes of notices that are required to be published under IC 5-3-1. Provides that a person who knowingly or intentionally possesses a police radio and transmits over a frequency assigned for police emergency purposes is not unlawful use of a police radio if the person is employed by a qualified publication under certain circumstances.

**Effective:** July 1, 2014.

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January 7, 2014, read first time and referred to Committee on Government and Regulatory Reform.

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Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

## HOUSE BILL No. 1033

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A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1       SECTION 1. IC 3-7-45-4, AS AMENDED BY P.L.219-2013,  
2       SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3       JULY 1, 2014]: Sec. 4. (a) Except as provided in subsection (c), a  
4       county voter registration office shall cancel the registration of a  
5       deceased person after receiving a copy of the deceased person's death  
6       certificate on an expedited basis, as required under 42 U.S.C. 15483.  
7       The county voter registration office shall enter the date and other  
8       information regarding the cancellation into the computerized list under  
9       IC 3-7-26.3.  
10       (b) Except as provided in subsection (c), a county voter registration  
11       office shall cancel the registration of a deceased person after receiving  
12       a copy of an obituary, notice of estate administration, or other notice of  
13       death of that person published in a newspaper **or qualified publication**  
14       in which a legal notice may be published under IC 5-3-1.  
15       (c) A county voter registration office may require additional written  
16       information before canceling the registration of a person under



1 subsection (a) or (b) if the information contained in the death certificate  
 2 or notice of death is insufficient to identify the person whose  
 3 registration is to be canceled. If:

4 (1) additional written information is not given to the county voter  
 5 registration office; or

6 (2) the additional written information is insufficient to identify the  
 7 person whose registration is to be canceled;

8 the county voter registration office is not required to cancel the person's  
 9 registration.

10 SECTION 2. IC 5-1-11-2 IS AMENDED TO READ AS FOLLOWS  
 11 [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) Notice of sale of bonds  
 12 required to be sold at public sale under section 1 of this chapter shall  
 13 be published in accordance with the provisions of this chapter and  
 14 either IC 5-3-1 or subsection (b).

15 (b) If a political subdivision or body referred to in section 1 of this  
 16 chapter determines to sell bonds under this subsection, notice of intent  
 17 to sell such bonds shall be published:

18 (1) once each week for two (2) weeks in accordance with  
 19 IC 5-3-1-4; and

20 (2) in a newspaper **or qualified publication (as defined in**  
 21 **IC 5-3-1-0.7)** of general circulation published in the state capital.

22 (c) The notice **of sale of bonds** must state that any person interested  
 23 in submitting a bid for the bonds may furnish in writing to the official  
 24 of the political subdivision or body responsible for their sale, at the  
 25 address set forth in the notice, the person's name, address, and  
 26 telephone number. The person may also furnish a telex number. The  
 27 notice of intent to sell bonds must state:

28 (1) the amount of the bonds to be offered;

29 (2) the denominations;

30 (3) the dates of maturity;

31 (4) the maximum rate or rates of interest;

32 (5) the place of sale; and

33 (6) the time within which the name, address, and telephone  
 34 number must be furnished, which must not be less than seven (7)  
 35 days after the last publication of the notice of intent to sell.

36 The official of the political subdivision or body responsible for the  
 37 bond sale shall notify each person so registered of the date and time  
 38 bids will be received not less than twenty-four (24) hours before the  
 39 date and time of sale. The notification shall be made by telephone at  
 40 the number furnished by the person, and also by telex if the person  
 41 furnishes a telex number. Bids may not be received more than ninety  
 42 (90) days after the first publication of the notice of intent to sell.



(e) (d) This chapter does not prevent the sale of bonds under the provisions of any statute inconsistent with this chapter so long as the procedures required for the sale in that statute are complied with, but if notice of that sale must be published, the notice shall be published in accordance with IC 5-3-1.

SECTION 3. IC 5-1.5-4-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. Bonds or notes of the bank may be sold at public or private sale at the price the board determines. If bonds or notes of the bank are to be sold at public sale, the bank shall follow the provisions of IC 5-1-11 and shall publish notice of the sale in accordance with IC 5-3-1-2 in two (2) newspapers **or qualified publications** published and of general circulation in the city of Indianapolis.

SECTION 4. IC 5-3-1-1.5, AS ADDED BY P.L.141-2009, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1.5. (a) This section applies after June 30, 2009, to a notice that must be published in accordance with this chapter.

(b) If a newspaper **or qualified publication** maintains an Internet web site, a notice that is published in the newspaper **or qualified publication** must also be posted on the newspaper's web site **of the newspaper or qualified publication**. The notice must appear on the web site on the same day the notice appears in the newspaper **or qualified publication**.

(c) The state board of accounts shall develop a standard form for notices posted on a newspaper's **or qualified publication's** Internet web site.

(d) A newspaper **or qualified publication** may not charge a fee for posting a notice on the newspaper's **or qualified publication's** Internet web site under this section.

SECTION 5. IC 5-3-1-2, AS AMENDED BY P.L.141-2009, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) This section applies only when notice of an event is required to be given by publication in accordance with this chapter.

(b) If the event is a public hearing or meeting concerning any matter not specifically mentioned in subsection (c), (d), (e), (f), (g), or (h) notice shall be published one (1) time, at least ten (10) days before the date of the hearing or meeting.

(c) If the event is an election, notice shall be published one (1) time, at least ten (10) days before the date of the election.

(d) If the event is a sale of bonds, notes, or warrants, notice shall be published two (2) times, at least one (1) week apart, with:



(1) the first publication made at least fifteen (15) days before the date of the sale; and

(2) the second publication made at least three (3) days before the date of the sale.

(e) If the event is the receiving of bids, notice shall be published two (2) times, at least one (1) week apart, with the second publication made at least seven (7) days before the date the bids will be received.

(f) If the event is the establishment of a cumulative or sinking fund, notice of the proposal and of the public hearing that is required to be held by the political subdivision shall be published two (2) times, at least one (1) week apart, with the second publication made at least three (3) days before the date of the hearing.

(g) If the event is the submission of a proposal adopted by a political subdivision for a cumulative or sinking fund for the approval of the department of local government finance, the notice of the submission shall be published one (1) time. The political subdivision shall publish the notice when directed to do so by the department of local government finance.

(h) If the event is the required publication of an ordinance, notice of the passage of the ordinance shall be published one (1) time within thirty (30) days after the passage of the ordinance.

(i) If the event is one about which notice is required to be published after the event, notice shall be published one (1) time within thirty (30) days after the date of the event.

(j) If the event is anything else, notice shall be published two (2) times, at least one (1) week apart, with the second publication made at least three (3) days before the event.

(k) If any officer charged with the duty of publishing any notice required by law is unable to procure advertisement:

(1) at the price fixed by law;

(2) because the newspaper **or qualified publication** refuses to publish the advertisement; or

(3) because the newspaper **or qualified publication** refuses to post the advertisement on the newspaper's **or qualified publication's** Internet web site (if required under section 1.5 of this chapter);

it is sufficient for the officer to post printed notices in three (3) prominent places in the political subdivision, instead of publication of the notice in newspapers **or qualified publications** and on an Internet web site (if required under section 1.5 of this chapter).

(l) If a notice of budget estimates for a political subdivision is published as required in IC 6-1.1-17-3, and the published notice



contains an error due to the fault of a newspaper **or qualified publication**, the notice as presented for publication is a valid notice under this chapter.

(m) Notwithstanding subsection (j), if a notice of budget estimates for a political subdivision is published as required in IC 6-1.1-17-3, and if the notice is not published at least ten (10) days before the date fixed for the public hearing on the budget estimate due to the fault of a newspaper **or qualified publication**, the notice is a valid notice under this chapter if it is published one (1) time at least three (3) days before the hearing.

SECTION 6. IC 5-3-1-4, AS AMENDED BY P.L.141-2009, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) Whenever officers of a political subdivision are required to publish a notice affecting the political subdivision, they shall publish the notice in:

(1) two (2) newspapers;

(2) **two (2) qualified publications; or**

(3) **one (1) newspaper and one (1) qualified publication;**

published in the political subdivision.

(b) This subsection applies to notices published by county officers. If there is only:

(1) one (1) newspaper **and no qualified publication; or**

(2) **one (1) qualified publication and no newspaper;**

published in the county, then publication in that newspaper **or qualified publication** alone is sufficient.

(c) This subsection applies to notices published by city, town, or school corporation officers. If there is only:

(1) one (1) newspaper **and no qualified publication; or**

(2) **one (1) qualified publication and no newspaper;**

published in the municipality or school corporation, then publication in that newspaper **or qualified publication** alone is sufficient. If no newspaper **and no qualified publication** is published in the municipality or school corporation, then publication shall be made in a newspaper **or qualified publication** published in the county in which the municipality or school corporation is located and that circulates within the municipality or school corporation.

(d) This subsection applies to notices published by officers of political subdivisions not covered by subsection (a) or (b). If there is only:

(1) one (1) newspaper **and no qualified publication; or**

(2) **one (1) qualified publication and no newspaper;**

published in the political subdivision, then the notice shall be published



1 in that newspaper **or qualified publication**. If no newspaper **and no**  
 2 **qualified publication** is published in the political subdivision, then  
 3 publication shall be made in a newspaper **or qualified publication**  
 4 published in the county and that circulates within the political  
 5 subdivision.

6 (e) This subsection applies to a political subdivision, including a  
 7 city, town, or school corporation. Notwithstanding any other law, if a  
 8 political subdivision has territory in more than one (1) county, public  
 9 notices that are required by law or ordered to be published must be  
 10 given as follows:

11 (1) By publication in:

12 (A) two (2) newspapers;

13 (B) **two (2) qualified publications; or**

14 (C) **one (1) newspaper and one (1) qualified publication;**  
 15 published within the boundaries of the political subdivision.

16 (2) If only:

17 (A) one (1) newspaper **and no qualified publication; or**

18 (B) **one (1) qualified publication and no newspaper;**

19 is published within the boundaries of the political subdivision, by  
 20 publication in that newspaper **or qualified publication** and in  
 21 some other newspaper **or qualified publication** ~~(A)~~ published in  
 22 any county in which the political subdivision extends and ~~(B)~~ that  
 23 has a general circulation in the political subdivision.

24 (3) If no newspaper **and no qualified publication** is published  
 25 within the boundaries of the political subdivision, by publication  
 26 in:

27 (A) two (2) newspapers;

28 (B) **two (2) qualified publications; or**

29 (C) **one (1) newspaper and one (1) qualified publication;**  
 30 that ~~(A)~~ are published in any counties into which the political  
 31 subdivision extends and ~~(B)~~ have a general circulation in the  
 32 political subdivision.

33 (4) If only:

34 (A) one (1) newspaper **and no qualified publication; or**

35 (B) **one (1) qualified publication and no newspaper;**

36 is published in any of the counties into which the political  
 37 subdivision extends, by publication in that newspaper **or**  
 38 **qualified publication** if it circulates within the political  
 39 subdivision.

40 (f) A political subdivision may, in its discretion, publish public  
 41 notices in a qualified publication or additional newspapers to provide  
 42 supplementary notification to the public. The cost of publishing



supplementary notification is a proper expenditure of the political subdivision.

SECTION 7. IC 5-3-1-6, AS AMENDED BY P.L.177-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) In all cases where notices are required by law to be published in the public newspaper **or qualified publication** by or under the supervision of any state officer, board, commission, or institution of the state of Indiana, said notices are hereby required to be published in: ~~each of~~

(1) two (2) daily newspapers;

(2) **two (2) daily qualified publications; or**

(3) **one (1) daily newspaper and one (1) daily qualified publication;**

published in the city of Indianapolis and in ~~such~~ other cities as is required by law.

(b) ~~said~~ **The notices described in subsection (a) are** to be in all cases published in:

(1) two (2) newspapers;

(2) **two (2) qualified publications; or**

(3) **one (1) newspaper and one (1) daily qualified publication;**

in each city where ~~they the~~ **notices** are required to be published. In all cases where the officer, board, commission, or institution making ~~said~~ **the publication of notice** is located outside of the city of Indianapolis, ~~said the~~ notices shall also be published in newspapers **or qualified publications** published within the county where ~~said the~~ officer, board, commission, or institution maintains its office. The rate charged for all ~~such~~ notices and advertising shall be the same as is set out in section 1 of this chapter.

~~(b)~~ (c) In addition to the requirements of subsection (a), a state officer, board, commission, or institution of the state of Indiana that is required by law to publish a notice of a public meeting shall also provide electronic access to the notice through the computer gateway administered by the office of technology established by IC 4-13.1-2-1.

SECTION 8. IC 5-3-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. Whenever the utility regulatory commission shall order a hearing in any city, town, county, or township of the state, notice of such hearing shall be published in two (2) newspapers **or qualified publications** of general circulation in such city, town, county, or township, by one (1) publication in each of such newspapers **or qualified publications**, not less than ten (10) days prior to the day on which such hearing will be held.

SECTION 9. IC 6-8.1-8-8, AS AMENDED BY P.L.99-2011,





SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. After a tax warrant becomes a judgment under section 2 of this chapter, a tax warrant is returned uncollected to the department under section 3 of this chapter, or the taxpayer does not pay the amount demanded under section 2(b) of this chapter and the taxpayer has taken an action under section 2(n) of this chapter to foreclose the lien, the department may take any of the following actions without judicial proceedings.

(1) The department may levy upon the property of the taxpayer that is held by a financial institution by sending a claim to the financial institution. Upon receipt of a claim under this subdivision, the financial institution shall surrender to the department the taxpayer's property. If the taxpayer's property exceeds the amount owed to the state by the taxpayer, the financial institution shall surrender the taxpayer's property in an amount equal to the amount owed. After receiving the department's notice of levy, the financial institution is required to place a sixty (60) day hold on or restriction on the withdrawal of funds the taxpayer has on deposit or subsequently deposits, in an amount not to exceed the amount owed.

(2) The department may garnish the accrued earnings and wages of a taxpayer by sending a notice to the taxpayer's employer. Upon receipt of a notice under this subdivision, an employer shall garnish the accrued earnings and wages of the taxpayer in an amount equal to the full amount that is subject to garnishment under IC 24-4.5-5. The amount garnished shall be remitted to the department. The employer is entitled to a fee in an amount equal to the fee allowed under IC 24-4.5-5-105(5). However, the fee shall be borne entirely by the taxpayer.

(3) The department may levy upon and sell property and may:

(A) take immediate possession of the property and store it in a secure place; or

(B) leave the property in the custody of the taxpayer; until the day of the sale. The department shall provide notice of the sale in one (1) newspaper **or qualified publication**, as provided in IC 5-3-1-2. If the property is left in the custody of the taxpayer, the department may require the taxpayer to provide a joint and several delivery bond, in an amount and with a surety acceptable to the department. At any time before the sale, any owner or part owner of the property may redeem the property from the judgment by paying the department the amount of the judgment. The proceeds of the sale shall be applied first to the



1 collection expenses and second to the payment of the delinquent  
2 taxes and penalties. Any balance remaining shall be paid to the  
3 taxpayer.

4 SECTION 10. IC 8-15.7-4-2, AS AMENDED BY P.L.163-2011,  
5 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
6 JULY 1, 2014]: Sec. 2. (a) This section establishes the competitive  
7 proposal procedure that the department shall use to enter into a  
8 public-private agreement with an operator under this article.

9 (b) The department may pursue a competitive proposal procedure  
10 using a request for qualifications and a request for proposals process or  
11 proceed directly to a request for proposals.

12 (c) If the department elects to use a request for qualifications phase,  
13 it must provide a public notice of the request for qualifications, for the  
14 period considered appropriate by the department, before the date set for  
15 receipt of submittals in response to the solicitation. The department  
16 shall provide the notice by posting in a designated public area and  
17 publication in a newspaper **or qualified publication** of general  
18 circulation, in the manner provided by IC 5-3-1. In addition, submittals  
19 in response to the solicitation may be solicited directly from potential  
20 offerors.

21 (d) The department shall evaluate qualification submittals based on  
22 the requirements and evaluation criteria set forth in the request for  
23 qualifications.

24 (e) If the department has undertaken a request for qualifications  
25 phase resulting in one (1) or more prequalified or shortlisted offerors,  
26 the request for proposals shall be limited to those offerors that have  
27 been prequalified or shortlisted.

28 (f) If the department has not issued a request for qualifications and  
29 intends to use only a one (1) phase request for proposals procurement,  
30 the department must provide a public notice of the request for  
31 proposals for the period considered appropriate by the department,  
32 before the date set for receipt of proposals. The department shall  
33 provide the notice by posting in a designated public area and  
34 publication in a newspaper **or qualified publication** of general  
35 circulation, in the manner provided by IC 5-3-1. In addition, proposals  
36 may be solicited directly from potential offerors.

37 (g) The department shall submit a draft of the request for proposals  
38 to the budget committee for its review before the issuance by the  
39 department of the request for proposals to potential offerors. The  
40 request for proposals must:

41 (1) indicate in general terms the scope of work, goods, and  
42 services sought to be procured;



(2) contain or incorporate by reference the specifications and contractual terms and conditions applicable to the procurement and the qualifying project;

(3) specify the factors, criteria, and other information that will be used in evaluating the proposals;

(4) specify any requirements or goals for use of:

(A) minority business enterprises and women's business enterprises certified under IC 4-13-16.5;

(B) disadvantaged business enterprises under federal or state law;

(C) businesses defined under IC 5-22-15-20.5 as Indiana businesses, to the extent permitted by applicable federal and state law and regulations; and

(D) businesses that qualify for a small business set-aside under IC 4-13.6-2-11;

(5) if all or part of the project will consist of a tollway, require any offeror to submit a proposal based upon that part of the project that will consist of a tollway, as set forth in the request for proposals, and permit any offeror to submit one (1) or more alternative proposals based upon the assumption that a different part or none of the project will consist of a tollway;

(6) contain or incorporate by reference the other applicable contractual terms and conditions; and

(7) contain or incorporate by reference any other provisions, materials, or documents that the department considers appropriate.

If the draft of the request for proposals submitted for review provides for any tolls, the budget committee shall hold a meeting and conduct a review of the draft of the request for proposals not later than ninety (90) days after the date the draft request for proposals is submitted for review.

(h) The department shall determine the evaluation criteria that are appropriate for each project and shall set those criteria forth in the request for proposals. The department may use a selection process that results in selection of the proposal offering the best value to the public, a selection process that results in selection of the proposal offering the lowest price or cost or the highest payment to, or revenue sharing with, the department, or any other selection process that the department determines is in the best interests of the state and the public.

(i) The department shall evaluate proposals based on the requirements and evaluation criteria set forth in the request for proposals.



(j) The department may select one (1) or more offerors for negotiations based on the evaluation criteria set forth in the request for proposals. If the department believes that negotiations with the selected offeror or offerors are not likely to result in a public-private agreement, or, in the case of a best value selection process, no longer reflect the best value to the state and the public, the department may commence negotiations with other responsive offerors, if any, and may suspend, terminate, or continue negotiations with the original offeror or offerors. If negotiations are unsuccessful, the department shall terminate the procurement, may not award the public-private agreement, and may commence a new procurement for a public-private agreement. If the department determines that negotiations with an offeror have been successfully completed, the department shall, subject to the other requirements of this article, award the public-private agreement to the offeror.

(k) Before awarding a public-private agreement to an operator, the department shall schedule a public hearing on the preliminary selection of the operator and the terms of the proposed public-private agreement. The hearing shall be conducted in the county seat of the county that would be an affected jurisdiction for purposes of the proposed project. The department shall do the following:

(1) At least ten (10) days before the public hearing, post on the department's Internet web site:

(A) the proposal submitted by the offeror that has been preliminarily selected as the operator for the project, except for those parts of the proposal that are confidential under this article; and

(B) the proposed public-private agreement for the project.

(2) At least ten (10) days before the public hearing:

(A) post notice of the public hearing on the department's Internet web site; and

(B) publish notice of the hearing one (1) time in accordance with IC 5-3-1 in:

(i) two (2) newspapers;

**(ii) two (2) qualified publications; or**

**(iii) one (1) newspaper and one (1) qualified publication;**

of general circulation in the county that would be an affected jurisdiction for purposes of the proposed project.

(3) Include the following in the notices required by subdivision

(2):

(A) The date, time, and place of the hearing.

(B) The subject matter of the hearing.



(C) A description of the agreement to be awarded.

(D) The recommendation that has been made to award the agreement to an identified offeror or offerors.

(E) The address and telephone number of the department.

(F) A statement indicating that, subject to section 6 of this chapter, and except for those portions that are confidential under IC 5-14-3, the following are available on the department's Internet web site and are also available for public inspection and copying at the principal office of the department during regular business hours:

(i) The selected offer.

(ii) An explanation of the basis upon which the preliminary selection was made.

(iii) The proposed public-private agreement for the project.

(l) At the hearing, the department shall allow the public to be heard on the preliminary selection of the operator and the terms of the proposed public-private agreement.

(m) When the terms and conditions of multiple awards are specified in the request for proposals, awards may be made to more than one (1) offeror.

SECTION 11. IC 9-22-1-23, AS AMENDED BY P.L.125-2012, SECTION 125, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 23. (a) This section applies to a city, town, or county.

(b) Except as provided in subsection (c), if the person who owns or holds a lien upon a vehicle does not appear within twenty (20) days after the mailing of a notice or the notification made by electronic service under section 19 of this chapter, the unit may sell the vehicle or parts by either of the following methods:

(1) The unit may sell the vehicle or parts to the highest bidder at a public sale. Notice of the sale shall be given under IC 5-3-1, except that only one (1) ~~newspaper~~ **insertion in a newspaper or qualified publication** one (1) week before the public sale is required.

(2) The unit may sell the vehicle or part as unclaimed property under IC 36-1-11. The twenty (20) day period for the property to remain unclaimed is sufficient for a sale under this subdivision.

(c) This subsection applies to a consolidated city or county containing a consolidated city. If the person who owns or holds a lien upon a vehicle does not appear within fifteen (15) days after the mailing of a notice or the notification made by electronic service under section 19 of this chapter, the unit may sell the vehicle or parts by



either of the following methods:

(1) The unit may sell the vehicle or parts to the highest bidder at a public sale. Notice of the sale shall be given under IC 5-3-1, except that only one (1) ~~newspaper~~ insertion **in a newspaper or qualified publication** one (1) week before the public sale is required.

(2) The unit may sell the vehicle or part as unclaimed property under IC 36-1-11. The fifteen (15) day period for the property to remain unclaimed is sufficient for a sale under this subdivision.

SECTION 12. IC 14-25-2-2.5, AS AMENDED BY P.L.3-2008, SECTION 102, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2.5. (a) As used in this chapter, "water utility" means:

- (1) a public utility (as defined in IC 8-1-2-1(a));
- (2) a municipally owned utility (as defined in IC 8-1-2-1(h));
- (3) a not-for-profit utility (as defined in IC 8-1-2-125(a));
- (4) a cooperatively owned corporation;
- (5) a conservancy district established under IC 14-33; or
- (6) a regional water district established under IC 13-26;

that provides water service to the public.

(b) A person that seeks to contract with the commission for the provision of certain minimum quantities of stream flow or the sale of water on a unit pricing basis under section 2 of this chapter must submit a request to the commission and the department. The commission shall not make a determination as to whether to enter into a contract with the person making the request until:

- (1) the procedures set forth in this section have been followed; and
- (2) the commission has reviewed and considered each report submitted to the commission under subsection (i).

(c) Not later than thirty (30) days after receiving a request under subsection (b), the department shall provide, by certified mail, written notice of the request to the following:

- (1) Each person with whom the commission holds a contract for:
  - (A) the provision of certain minimum quantities of stream flow; or
  - (B) the sale of water on a unit pricing basis;
 as of the date of the request.
- (2) The executive and legislative body of each:
  - (A) county;
  - (B) municipality, if any; and
  - (C) conservancy district established under IC 14-33, if any;



in which the water sought in the request would be used.

(3) The executive and legislative body of each:

(A) county;

(B) municipality, if any; and

(C) conservancy district established under IC 14-33, if any;

in which the affected reservoir is located.

(d) Not later than seven (7) days after receiving a notice from the department under subsection (c), each person described in subsection (c)(1) shall, by certified mail, provide written notice of the request to each:

(1) water utility; or

(2) other person;

that contracts with the person described in subsection (c)(1) for the purchase of water for resale. Each person to whom notice is mailed under this subsection is in turn responsible for providing written notice by certified mail to each water utility or other person that purchases water from that person for resale. A water utility or another person required to provide notice under this subsection shall mail the required notice not later than seven (7) days after it receives notice of the request from the water utility or other person from whom it purchases water for resale.

(e) At the same time that:

(1) a person described in subsection (c)(1); or

(2) a water utility or another person described in subsection (d); mails any notice required under subsection (d), it shall also mail to the department, by certified mail, a list of the names and addresses of each water utility or other person to whom it has mailed the notice under subsection (d).

(f) In addition to the mailed notice required under subsection (c), the department shall publish notice of the request, in accordance with IC 5-3-1, in each county:

(1) in which a person described in section (c)(1) is located;

(2) in which the affected reservoir is located;

(3) in which the water sought in the request would be used; and

(4) in which a water utility or other person included in a list received by the department under subsection (e) is located.

Notwithstanding IC 5-3-1-6, in each county in which publication is required under this subsection, notice shall be published in at least one (1) general circulation newspaper **or qualified publication (as defined in IC 5-3-1-0.7)** in the county. The department may, in its discretion, publish public notices in a qualified publication (as defined in IC 5-3-1-0.7) or additional newspapers to provide supplementary



notification to the public. The cost of publishing supplementary notification is a proper expenditure of the department.

(g) A notice required to be mailed or published under this section must:

- (1) identify the person making the request;
- (2) include a brief description of:
  - (A) the nature of the pending request; and
  - (B) the process by which the commission will determine whether to enter into a contract with the person making the request;
- (3) set forth the date, time, and location of the public meeting required under subsection (h); and
- (4) in the case of a notice that is required to be mailed under subsection (c)(1) or (d), a statement of the recipient's duty to in turn provide notice to any:
  - (A) water utility; or
  - (B) other person;
 that purchases water for resale from the recipient, in accordance with subsection (d).

(h) The advisory council established by IC 14-9-6-1 shall hold a public meeting in each county in which notice is published under subsection (f). A public meeting required under this subsection must include the following:

- (1) A presentation by the department describing:
  - (A) the nature of the pending request; and
  - (B) the process by which the commission will determine whether to enter into a contract with the person making the request.
- (2) An opportunity for public comment on the pending request.

The advisory council may appoint a hearing officer to assist with a public meeting held under this subsection.

(i) Not later than thirty (30) days after a public meeting is held under subsection (h), the advisory council shall submit to the commission a report summarizing the public meeting.

SECTION 13. IC 14-28-1-28 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 28. (a) The commission may by order:

- (1) establish a floodway as a commission floodway; and
- (2) alter, change, or revoke and terminate the commission floodway.

(b) In the order establishing the commission floodway, the commission shall fix the following:





(1) The floodway's length at any practical distance.

(2) The floodway's width or the landside limits so as to include parts of the flood plains adjoining the channel that, with the channel, are reasonably required to efficiently carry and discharge the flood waters or flood flow of the river or stream.

(c) Notwithstanding any other provision of law, an order establishing a commission floodway is not in force until notice has been given as follows:

(1) In writing to the county executive in the county affected.

(2) By publication at least two (2) times, seven (7) days apart, as follows:

(A) In two (2) daily newspapers **or qualified publications** in the city of Indianapolis as provided in IC 5-3-1-6.

(B) In newspapers **or qualified publications** in the counties where all or part of the commission floodway is established as provided in IC 5-3-1-6.

(d) All of the area within a commission floodway is the floodway for all purposes of this chapter.

SECTION 14. IC 16-18-2-301 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 301. "Publish" or "published" or "cause to be published", for purposes of IC 16-22, means publication of notice in:

(1) a newspaper or newspapers; **or**

(2) **a qualified publication or qualified publications;**  
in accordance with IC 5-3-1, unless otherwise specified.

SECTION 15. IC 20-48-4-2, AS ADDED BY P.L.2-2006, SECTION 171, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) The board may authorize the trustee to issue township warrants or bonds to pay for the building or the proportional cost of it. The warrants or bonds:

(1) may run for a period not exceeding fifteen (15) years;

(2) may bear interest at any rate; and

(3) shall be sold for not less than par.

The township trustee, before issuing the warrants or bonds, shall place a notice in at least one (1) newspaper **or qualified publication** announcing the sale of the bonds in at least one (1) issue a week for three (3) weeks. The notice must comply with IC 5-3-1 and must set forth the amount of bonds offered, the denomination, the period to run, the rate of interest, and the date, place, and time of selling. The township board shall attend the bond sale and must concur in the sale before the bonds are sold.

(b) The board shall annually levy sufficient taxes each year to pay



1 at least one-fifteenth (1/15) of the warrants or bonds, including interest,  
 2 and the trustee shall apply the annual tax to the payment of the warrants  
 3 or bonds each year.

4 (c) A debt of the township may not be created except by the  
 5 township board in the manner specified in this section. The board may  
 6 bring an action in the name of the state against the bond of a trustee to  
 7 recover for the use of the township funds expended in the unauthorized  
 8 payment of a debt. The board may appropriate and the township trustee  
 9 shall pay from township funds a reasonable sum for attorney's fees for  
 10 this purpose.

11 (d) If a taxpayer serves the board with a written demand that the  
 12 board bring an action as described in subsection (c), and after thirty  
 13 (30) days the board has not brought an action, a taxpayer may bring an  
 14 action to recover for the use of the township funds expended in the  
 15 unauthorized payment of a debt. An action brought under this  
 16 subsection shall be brought in the name of the state.

17 SECTION 16. IC 23-14-62-3 IS AMENDED TO READ AS  
 18 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) The persons  
 19 filing the petition under section 2 of this chapter must give notice of the  
 20 filing in accordance with IC 5-3-1-2 at least three (3) weeks before the  
 21 filing by publishing a notice concerning the filing of the petition in a  
 22 weekly newspaper **or qualified publication** published in the county in  
 23 which the cemetery is located.

24 (b) The persons filing the petition under section 2 of this chapter  
 25 must also file an agreement, with security to be approved by the board,  
 26 that the corporation will keep the cemetery in good order and honestly  
 27 and faithfully manage it.

28 SECTION 17. IC 23-14-63-2 IS AMENDED TO READ AS  
 29 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) The persons  
 30 described in section 1 of this chapter may file with the township trustee  
 31 a petition asking for the conveyance of the cemetery owned by the  
 32 township to the corporation.

33 (b) The persons filing the petition under subsection (a) must give  
 34 notice of the filing at least three (3) weeks before the filing in  
 35 accordance with IC 5-3-1-2 by publishing a notice concerning the  
 36 petition in a newspaper **or qualified publication**:

37 (1) that is published in the township; or

38 (2) if there is no newspaper **or qualified publication** published  
 39 in the township, in the newspaper **or qualified publication**  
 40 published nearest to the township.

41 SECTION 18. IC 27-1-29-17, AS AMENDED BY P.L.235-2005,  
 42 SECTION 203, IS AMENDED TO READ AS FOLLOWS



[EFFECTIVE JULY 1, 2014]: Sec. 17. (a) As used in this section:

(1) "basic fund" refers to the political subdivision risk management fund established by this chapter; and

(2) "catastrophic fund" refers to the political subdivision catastrophic liability fund established by IC 27-1-29.1.

(b) Before July 1, 2005, the commission may issue its bonds or notes in amounts that it considers necessary to provide funds to:

(1) establish or maintain the reserve account in the catastrophic fund provided for in IC 27-1-29.1-8;

(2) provide for the payment of liabilities payable out of the basic fund to the extent such liabilities exceed the money in the basic fund; and

(3) pay, fund, or refund, regardless of when due, the principal of or interest or redemption premiums on bonds or notes issued under subdivision (1) or (2).

Bonds or notes issued under subdivision (2) must mature within three (3) years after their date of issuance.

(c) The bonds or notes of the commission may be issued and sold by the commission to the Indiana bond bank under IC 5-1.5.

(d) Every issue of bonds or notes is an obligation of the commission. An issue of bonds or notes under subsection (b)(1) is payable solely from assessments imposed by the commission under IC 27-1-29.1 on political subdivisions that are members of the catastrophic fund, and the commission may secure such bonds or notes by a pledge of assessments imposed under IC 27-1-29.1. An issue of bonds or notes under subsection (b)(2) is payable solely from assessments imposed by the commission under section 12 of this chapter on political subdivisions that are members of the basic fund, and the commission may secure such bonds or notes by a pledge of assessments imposed under section 12 of this chapter.

(e) A bond or note of the commission:

(1) is not a debt, liability, loan of credit, or pledge of the faith and credit of the state; and

(2) must contain on its face a statement that the commission is obligated to pay principal and interest, and the redemption premium, if any, and that the faith, credit, and taxing power of the state are not pledged to the payment of the bond or note.

(f) The state pledges to and agrees with the holders of the bonds or notes issued under this chapter that the state will not:

(1) limit or restrict the rights vested in the commission to fulfill the terms of any agreement made with the holders of its bonds or notes; or



- 1           (2) in any way impair the rights or remedies of the holders of the  
2           bonds or notes;  
3           until the bonds or notes, together with the interest on the bonds or  
4           notes, and interest on unpaid installments of interest, and all costs and  
5           expenses in connection with an action or proceeding by or on behalf of  
6           the holders, are fully met, paid, and discharged.
- 7           (g) The bonds or notes of the commission are negotiable instruments  
8           for all purposes of IC 26-1, subject only to the provisions of the bonds  
9           and notes for registration.
- 10          (h) Bonds or notes of the commission must be authorized by  
11          resolution of the commission, may be issued in one (1) or more series,  
12          and must:
- 13               (1) bear the date;  
14               (2) mature at the time or times;  
15               (3) be in the denomination;  
16               (4) be in the form;  
17               (5) carry the conversion or registration privileges;  
18               (6) have the rank or priority;  
19               (7) be executed in the manner;  
20               (8) be payable from the sources in the medium of payment at the  
21               place inside or outside the state; and  
22               (9) be subject to the terms of redemption;  
23          as the resolution of the commission or the trust agreement securing the  
24          bonds or notes provides.
- 25          (i) Bonds or notes may be issued under this chapter without  
26          obtaining the consent of any agency of the state and without any other  
27          proceeding or condition other than the proceedings or conditions  
28          specified in this chapter.
- 29          (j) The rate or rates of interest on the bonds or notes may be fixed  
30          or variable. Variable rates shall be determined in the manner and in  
31          accordance with the procedures set forth in the resolution authorizing  
32          the issuance of the bonds or notes. Bonds or notes bearing a variable  
33          rate of interest may be converted to bonds or notes bearing a fixed rate  
34          or rates of interest, and bonds or notes bearing a fixed rate or rates of  
35          interest may be converted to bonds or notes bearing a variable rate of  
36          interest, to the extent and in the manner set forth in the resolution  
37          pursuant to which the bonds or notes are issued. The interest on bonds  
38          or notes may be payable semiannually or annually or at any other  
39          interval or intervals as may be provided in the resolution, or the interest  
40          may be compounded and paid at maturity or at any other times as may  
41          be specified in the resolution.
- 42          (k) The bonds or notes may be made subject, at the option of the



holders, to mandatory redemption by the commission at the times and under the circumstances set forth in the authorizing resolution.

(l) Bonds or notes of the commission may be sold at public or private sale at such price, either above or below the principal amount, as the commission fixes. If bonds or notes of the commission are to be sold at public sale, the commission shall comply with IC 5-1-11 and shall publish notice of the sale in accordance with IC 5-3-1-2 in two (2) newspapers **or qualified publications** published and of general circulation in Indianapolis.

(m) The commission may periodically issue its notes under this chapter and pay and retire the principal of the notes, pay the interest due on the notes, or fund or refund the notes from proceeds of bonds or of other notes or from other funds or money of the commission available for that purpose in accordance with a contract between the commission and the holders of the notes.

(n) The commission may secure any bonds or notes issued under this chapter by a trust agreement by and between the commission and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or outside Indiana.

(o) The trust agreement or the resolution providing for the issuance of the bonds or notes may contain provisions for protecting and enforcing the rights and remedies of the holders of any such bonds or notes as are reasonable and proper and not in violation of law.

(p) The trust agreement or resolution may set forth the rights and remedies of the holders of any bonds or notes and of the trustee and may restrict the individual right of action by the holders.

(q) In addition to the provisions of subsections (n) through (p), any trust agreement or resolution may contain other provisions the commission considers reasonable and proper for the security of the holders of any bonds or notes.

(r) All expenses incurred in carrying out the provisions of the trust agreement or resolution may be paid from assessments, revenues, or assets pledged or assigned to the payment of the principal of and the interest on bonds and notes or from any other funds available to the commission.

(s) Notwithstanding the restrictions of any other law, all financial institutions, investment companies, insurance companies, insurance associations, executors, administrators, guardians, trustees, and other fiduciaries may legally invest sinking funds, money, or other funds belonging to them or within their control in bonds or notes issued under this chapter.

(t) All bonds or notes issued under this chapter are issued by a body



1 corporate and politic of this state, but not a state agency, and for an  
 2 essential public and government purpose and the bonds and notes, the  
 3 interest thereon, the proceeds received by a holder from the sale of the  
 4 bonds or notes to the extent of the holder's cost of acquisition, proceeds  
 5 received upon redemption before maturity, and proceeds received at  
 6 maturity, and the receipt of the interest and proceeds are exempt from  
 7 taxation in Indiana for all purposes except the financial institutions tax  
 8 imposed under IC 6-5.5 or a state inheritance tax imposed under  
 9 IC 6-4.1.

10 SECTION 19. IC 35-44.1-2-7, AS ADDED BY P.L.126-2012,  
 11 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 12 JULY 1, 2014]: Sec. 7. (a) A person who knowingly or intentionally:

- 13 (1) possesses a police radio;
- 14 (2) transmits over a frequency assigned for police emergency
- 15 purposes; or
- 16 (3) possesses or uses a police radio:
  - 17 (A) while committing a crime;
  - 18 (B) to further the commission of a crime; or
  - 19 (C) to avoid detection by a law enforcement agency;

20 commits unlawful use of a police radio, a Class B misdemeanor.

21 (b) Subsection (a)(1) and (a)(2) do not apply to:

- 22 (1) a governmental entity;
- 23 (2) a regularly employed law enforcement officer;
- 24 (3) a common carrier of persons for hire whose vehicles are used
- 25 in emergency service;
- 26 (4) a public service or utility company whose vehicles are used in
- 27 emergency service;
- 28 (5) a person who has written permission from the chief executive
- 29 officer of a law enforcement agency to possess a police radio;
- 30 (6) a person who holds an amateur radio license issued by the
- 31 Federal Communications Commission if the person is not
- 32 transmitting over a frequency assigned for police emergency
- 33 purposes;
- 34 (7) a person who uses a police radio only in the person's dwelling
- 35 or place of business;
- 36 (8) a person:
  - 37 (A) who is regularly engaged in newsgathering activities;
  - 38 (B) who is employed by a newspaper **or qualified publication**
  - 39 qualified to receive legal advertisements under IC 5-3-1, a
  - 40 wire service, or a licensed commercial or public radio or
  - 41 television station; and
  - 42 (C) whose name is furnished by the person's employer to the



- 1 chief executive officer of a law enforcement agency in the  
 2 county in which the employer's principal office is located;  
 3 (9) a person engaged in the business of manufacturing or selling  
 4 police radios; or  
 5 (10) a person who possesses or uses a police radio during the  
 6 normal course of the person's lawful business.

7 (c) As used in this section, "police radio" means a radio that is  
 8 capable of sending or receiving signals transmitted on frequencies  
 9 assigned by the Federal Communications Commission for police  
 10 emergency purposes and that:

- 11 (1) can be installed, maintained, or operated in a vehicle; or  
 12 (2) can be operated while it is being carried by an individual.

13 The term does not include a radio designed for use only in a dwelling.

14 SECTION 20. IC 36-7-23-52 IS AMENDED TO READ AS  
 15 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 52. (a) A resolution  
 16 establishing just and reasonable fees, rates, and charges for the use of  
 17 infrastructures under this chapter may be adopted by the board after a  
 18 public hearing. Notice of the hearing must be published one (1) time,  
 19 at least ten (10) days before the hearing, in:

- 20 (1) one (1) newspaper; **or**  
 21 (2) **one (1) qualified publication;**

22 published in each county in which a participating unit is located in  
 23 accordance with IC 5-3-1. The notice must provide a summary of the  
 24 resolution.

25 (b) Fees, rates, and charges adopted by the authority for a particular  
 26 infrastructure shall comply with statutes authorizing units to adopt fees,  
 27 rates, and charges for that particular type of infrastructure or, if there  
 28 is no statute authorizing units to adopt fees, rates, and charges for that  
 29 particular type of infrastructure, the fees, rates, and charges must  
 30 comply with IC 36-1-3.

31 SECTION 21. IC 36-12-5-3, AS AMENDED BY P.L.13-2013,  
 32 SECTION 156, IS AMENDED TO READ AS FOLLOWS  
 33 [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) The library board of a public  
 34 library may file with the township trustee and legislative body a  
 35 proposal of expansion and an intent to file a petition for acceptance of  
 36 the proposal of expansion. Not later than ten (10) days after the filing,  
 37 the township trustee shall publish notice of the proposal of expansion  
 38 in the manner provided in IC 5-3-1 in a newspaper **or qualified**  
 39 **publication** of general circulation in the township. Beginning the first  
 40 day after the notice is published, and during the period that ends sixty  
 41 (60) days after the date of the publication of the notice, an individual  
 42 who is a registered voter of the affected township or part of the affected



township subject to expansion may sign one (1) or both of the following:

(1) A petition for acceptance of the proposal of expansion that states that the registered voter is in favor of the establishment of an expanded library district.

(2) A remonstrance in opposition to the proposal of expansion that states that the registered voter is opposed to the establishment of an expanded library district.

(b) A registered voter of the township or part of the township may file a petition or a remonstrance, if any, with the clerk of the circuit court in the county where the township is located. A petition for acceptance of the proposal of expansion must be signed by at least twenty percent (20%) of the registered voters of the township, or part of the township, as determined by the most recent general election.

(c) The following apply to a petition that is filed under this section or a remonstrance that is filed under subsection (b):

(1) The petition or remonstrance must show the following:

(A) The date on which each individual signed the petition or remonstrance.

(B) The residence of each individual on the date the individual signed the petition or remonstrance.

(2) The petition or remonstrance must include an affidavit of the individual circulating the petition or remonstrance, stating that each signature on the petition or remonstrance:

(A) was affixed in the individual's presence; and

(B) is the true signature of the individual who signed the petition or remonstrance.

(3) Several copies of the petition or remonstrance may be executed. The total of the copies constitute a petition or remonstrance. A copy must include an affidavit described in subdivision (2). A signer may file the petition or remonstrance, or a copy of the petition or remonstrance. All copies constituting a petition or remonstrance must be filed on the same day.

(4) The clerk of the circuit court in the county in which the township is located shall do the following:

(A) If a name appears more than one (1) time on a petition or on a remonstrance, the clerk must strike any duplicates of the name until the name appears only one (1) time on a petition or a remonstrance, or both, if the individual signed both a petition and a remonstrance.

(B) Strike the name from either the petition or the remonstrance of an individual who:





- (i) signed both the petition and the remonstrance; and
- (ii) personally, in the clerk's office, makes a voluntary written and signed request for the clerk to strike the individual's name from the petition or the remonstrance.

(C) Certify the number of signatures on the petition and on any remonstrance that:

- (i) are not duplicates; and
- (ii) represent individuals who are registered voters in the township or the part of the township on the day the individuals signed the petition or remonstrance.

The clerk of the circuit court may only strike an individual's name from a petition or a remonstrance as set forth in clauses (A) and (B).

(d) The clerk of the circuit court shall complete the certification required under subsection (c) not more than fifteen (15) days after the petition or remonstrance is filed. The clerk shall:

- (1) establish a record of certification in the clerk's office; and
- (2) file the original petition, the original remonstrance, if any, and a copy of the clerk's certification with the legislative body.

SECTION 22. IC 36-12-5-6, AS AMENDED BY P.L.13-2013, SECTION 157, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) The library board of a public library may file with the legislative body of a county a proposal of expansion and an intent to file a petition for acceptance of the proposal of expansion. Not later than ten (10) days after the intent is filed, the county auditor shall publish notice in the manner provided in IC 5-3-1 of the proposal of expansion in a newspaper **or qualified publication** of general circulation in the county. Beginning the first day after the notice is published, and during the period that ends sixty (60) days after the date of the publication of the notice, an individual who is a registered voter of an affected township or an affected part of a township subject to the expansion may sign one (1) or both of the following:

- (1) A petition for acceptance of the proposal of expansion.
- (2) A remonstrance petition in opposition to the proposal of expansion.

(b) Registered voters shall file a petition or a remonstrance, if any, with the clerk of the circuit court in the county where the townships are located. A petition for acceptance of the proposal of expansion must be signed by at least twenty percent (20%) of the registered voters of the townships or parts of townships, as determined by the most recent general election.

